

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/541,701	DEMOS, GARY A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Taghi T. Arani	2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/2005.
2. ☒ The allowed claim(s) is/are 2-14, 32-44 and 62-74.
3. ☒ The drawings filed on 03 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

  
**ANAZ SHEIKH**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER

## **DETAILED ACTION**

### **Examiner's Statement of Reasons for Allowance**

1. Claims 2-14, 32-44, 62-74 are allowed over prior art.

The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.

Closest prior art of record directed to Haskell et al. (U.S. Patent No. 5,742,343) teach a scalable coding of high resolution progressive format video signals whereby a base layer of coding and an enhancement layer of coding are combined to form a new encoded video signal, see col. 1, lines 40-55, see also Fig. 1.

Haskell et al's layered data stream encoding/decoding does not employ encryption recited in steps (a)-(c) of claims 1, 31 and 61.

Nakagawa et al. (U.S. Patent Appl. Publication No. 2001/0028725) is directed to an image encoding apparatus wherein the encoded codes are multiplexed together with information indicating the presence /absence of scrambling (i.e. encryption) and authentication data, see abstract.

Nakagawa et al. teach;

(a) selecting at least one encryption algorithm (page 10, paragraphs 0189, see also Fig. 15, element 1108);

(b) selecting at least one unit of one of the base layer or at least one enhancement layer to encrypt (i.e. scramble, see page 10, paragraphs 0194-0197); and

(c) applying at least one selected encryption algorithm to encrypt each selected unit into an encrypted unit (see page 10, Paragraph 0197, see also page 4 paragraph 0083-084).

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None of the prior art of record, either taken by itself or in any combination, would have anticipated or made obvious the invention of the present application at or before the time it was filed to apply a first unique selected encryption algorithm to selected units from the base layer and a second unique selected encryption algorithm to selected units from at least on enhancement layer recited in **claims 7, 37 and 67**. similar features as recited in claims 7, 37 and 67 are recited in **claims 10, 40 and 70**, Prior art of record is silent in disclosing “wherein each selected encryption algorithm has a key having a key length; and varying at least one of a value for the key and the key length for at least some of the selected units” recited in **claims 11, 41 and 71** and encrypting a subset of selected units ...to creates an encrypted custom distribution” and “grouping remaining units .... to create a bulk distribution copy” and “ distributing the bulk distribution copy separately from the encrypted custom distribution copy” recited in **claims 12, 42 and 72**.

The subject matter regarded as allowable by the examiner are also found in **claims 13, 43 and 73** where each selected encryption algorithm has a key generated from at least one or more of the factors such as previous key, serial number of a destination decoding device, a date or time, range determined by a secure clock, location identifier; a number of previous uses of a work, a PIN of specific authorizing person, or portions of a previously encrypted data stream of video information, and ‘ storing a plurality of encrypted units on an erasable media; and erasing the encrypted units upon an expiration of the keys” recited in **claims 14, 44 and 74**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Dependent claims 2-6, 8-9, 32-36 and 62-66, 68-69 are also allowed over prior art of record by virtue of their dependencies.

### **Conclusion**

2. Prior art made of record, not relied upon:

US 6236727 is directed to apparatus, method and computer program product for digitally processing an encrypted data stream scrambled, for example, according to content scrambling system (CSS) technology. This digital processing insures against communication of clear data within the computer system from a central processing unit (CPU) to any accessible structure, such as memory or a system bus. Descrambling of the (CSS) scrambled data stream occurs within a module executing on the CPU, which is followed by reencryption of the data prior to transfer from the CPU. By so processing the data, integrity of copyrighted material is maintained, while allowing for software descrambling of the CSS encrypted data stream. Various techniques for establishing the encryption/decryption algorithm pair employed are described. Decryption of the re-encrypted data can occur at a receiving software module and/or a receiving hardware device, such as a decoder.

Larry Bloomfield, Copy Protection-- deja Vu, Broadcast Engineering, October 1998, Vol. 40, Iss. 11; pg 14, 2 pages,

Janet Pinkerton, Dealer scope Consumer Marketplace, Philadelphia, Jan. 1999, Vol. 41, Iss. 1, pg. 32, 1 pgs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Taghi T. Arani, Ph.D.  
Examiner  
Art Unit 2131



**SUPERVISOR / PATENT EXAMINER**  
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